I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Docket No.: 016866-008200US

Commissioner for Patents P.O. Box 1450

Alexandria, VA 22313-1450

February 21, 200

TOWNSEND and CREW LLP

Andrea S. Beck

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Examiner:

Tung S. Lau

Edward J. Gavin, et al.

Art Unit:

2863

Application No.: 10/084,587

REQUEST FOR: REFUND UNDER 37 C.F.R. 1.26(a)

Filed: February 25, 2002

For: METHOD FOR ANALYZING MASS SPECTRA

Customer No. 020350

Mail Stop 16 Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

This is a request for the refund of an erroneously-paid fee of \$395.00 under 37 CFR §1.26(a). An RCE was filed by mistake and without deceptive intent with our Request for Reconsideration on January 12, 2006 in response to the Non-Final Office Action mailed July 14, 2006. A copy of the relevant RCE Transmittal is enclosed.

Applicants did file a Request For Reconsideration on January 12, 2006 and pursuant to the Notice of Improper Request For Continued Examination (RCE) mailed on February 3, 2006, a reply to a non-final Office action was filed and consideration of the Request for Reconsideration is requested.

PATENT

Edward J. Gavin, et al. Application No.: 10/084,587

Page 2

Accordingly, Townsend and Townsend and Crew, LLP is entitled to a refund of \$395.00. Applicants respectfully request that the refund be made to Deposit Account Number 20-1430. This request is submitted in duplicate.

CONCLUSION

If a telephone conference would be helpful in the review or processing of this request, the reviewer is invited to telephone the undersigned at 415-273-7529.

Respectfully submitted,

Patrick R. Jewik Reg. No. 40,456

TOWNSEND and TOWNSEND and CREW LLP Two Embarcadero Center, Eighth Floor San Francisco, California 94111-3834 Tel: (415) 576-0200

Tel: (415) 576-0200 Fax: (415) 576-0300

PRJ:asb

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Request	Application Numb	per 10/	084,587	
Continued Examination (RCE)	Filtra Dut		February 25, 2002	
Transmittal	First Named Inventor		Gavin, Edward J.	
Address to: Mail Stop RCE	l		2863	
Commissioner for Patents P.O. Box 1450	Examiner Name	Examiner Name Tung S. Lau		
Alexandria, VA 22313-1450	Attorney Docket N			
This is a Request for Continued Examination (RCE) und Request for Continued Examination (RCE) practice under 37 CFR 1 1995, or to any design application. See instruction Sheet for RCEs 1. Submission required under 37 CFR 1.114 Note: amendments enclosed with the RCE will be entered in the applicant does not wish to have any previously filed unente amendment(s). a. Previously submitted. If a final Office action is or considered as a submission even if this box is not i. Consider the arguments in the Appeal Brief ii. Other b. Enclosed i. Amendment/Reply ii. Affidavit(s)/ Dectaration(s) 2. Miscellaneous a. Suspension of action on the above-identified applit period ofmonths. (Period of suspension shall represent the suspension shall represent the process of the suspension shall represent the suspension shall represen	(not to be submitted to If the RCE is proper, order in which they we ared amendment(s) en utstanding, any amendot checked. For Reply Brief previous iii Info iv. Oth	the above-identiany utility or plant a the USPTO) on page any previously filedere filed unless applicant midments filed after the style filed on	fied application. opilication filed prior to June 8, e.2. d unentered amendments and olicant instructs otherwise. If ust request non-entry of such the final Office action may be Statement (IDS)	
period ofmonths. (Period of suspension shall r b. Other 3. Fees The RCE fee under 37 CFR 1.17(e) is required by a. \(\sum \) The Director is hereby authorized to charge the fol Deposit Account No. \(\) 20-1430 i. \(\sum \) RCE fee required under 37 CFR 1.17(e) \(\sum \) 3: ii. \(\sum \) Extension of time fee (37 CFR 1.136 and 1.17) \(\sum \) iii. \(\sum \) Other	y 37 CFR 1.114 when flowing fees, any unde	the RCE is filed. rpayment of fees, d a duplicate copy	i) required)	
b. Check in the amount of \$		\$: -	
c. Payment by credit card (Form PTO-2038 enclosed) for WARNING: Information on this form may become public. Credit conformation and authorization on PTO-2038.			on this form. Provide credit card	
SIGNATURE OF APPLICANT,				
Signature		Date	January 12, 2002	
Name (Print /Type) Patrick R. Jewik		Registration No.	January 12, 2006 40,456	
CERTIFICATE OF MA	ALLING OR TRANSMI	SSION		
hereby certify that this correspondence is being deposited with the United Standfressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexademark Office on the date shown below.			first class mail in an envelope led to the U.S. Patent and	
Signature lame (Print /Type) Andrea S Rad		/	<i>I</i> .	
Andrea C BX \			<u>r</u>	

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PTO/58/20 (04-05)

Request for Continued Examination (RCE) Transmittal

Address to: Mail Stop RCE Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

10/084,587	,
February 25, 2002	•
Gavin, Edward J.	
2863	
Tung S. Lau	
016866-008200US	
	February 25, 2002 Gavin, Edward J. 2863 Tung S. Lau

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

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a. 🛛	The Director is hereby authorized to charge the following fees, any underpayment of fees, or credit any overpayments, to Deposit Account No20-1430 I have enclosed a duplicate copy of this sheet.						
i.	⊠ RC	E fee required under 37 CFR 1.17(e) \$ <u>395.00</u>					
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ignature		1		Date	January 12, 2006		
ame (Print /	Type)	Patrick R. Jevik		Registration No.	40,456		
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